

Federal Communications Commission **Oct 04-1051 104**

Before the
Federal Communications Commission
Washington, D.C. 20554

DISPATCH

In the Matter of)

)

Amendment of Section 73.622(b),)

)

Table of Allotments,)

)

Digital Television Broadcast Stations.)

)

(Glendive, Montana))

)

MB Docket No. 04-188

RM-9880

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 23, 2004

Released: October 1, 2004

By the Chief, Video Division:

1. At the request of Glendive Broadcasting Corporation ("Glendive"), licensee of station KXGN-TV, TV channel 5, Glendive, Montana, the Commission has before it the Notice of Proposed Rule Making, 19 FCC Rcd 9218 (2004), proposing the substitution of DTV channel 10 for station KXGN paired DTV channel 15. Glendive filed comments affirming its continued expression of interest in applying for DTV channel 10, if allotted.¹ No other comments were received.

2. We believe the public interest would be served by adopting Glendive channel substitution since it will permit station KXGN to broadcast more efficiently and better serve the community of Glendive.² DTV channel 10 can be allotted to Glendive, Montana, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 47-03-15 N. and 104-40-45 W. Since the community of Glendive is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian was obtained for this allotment. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
MT Glendive	10	30	152	23

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283

¹ As stated in the *Notice*, Glendive failed to include an affidavit verifying the statements in its petition and was directed to comply with the requirements of Section 1.52 of the Commission's Rules. However, Glendive did subsequently file the required affidavit and is now in compliance with the Rules.

² In its petition for rule making, Glendive stated that operating on DTV channel 10 will enable KXGN-DT to reduce its costs and improve its service.

of the Commission's Rules, IT IS ORDERED, That effective November 15, 2004, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Glendive, Montana	10

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Glendive Broadcasting Corporation shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 10 in lieu of DTV Channel 15 for station KXGN-DT.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau